

INTERGOVERNMENTAL AGREEMENT  
BETWEEN  
THE STATE OF ARIZONA  
AND  
THE CITY OF YUMA

THIS AGREEMENT is entered into 30 AUGUST, 2000,  
pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended,  
between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF  
TRANSPORTATION (the "State") and the CITY OF YUMA, acting by and through its  
MAYOR and CITY COUNCIL (the "City")

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-401 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statutes Section 48-572 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the City.

3. The State and the City desire to participate in the design, construction and maintenance of new traffic signal Light Emitting Diode (LED) bulbs in traffic signals at intersections of State routes and City streets in the City, as shown on Exhibit A, which is attached hereto and made a part hereof, at an estimated cost of \$5,000,00, all at City expense, hereinafter referred to as the Project, for the safety and benefit of the traveling public.

THEREFORE, in consideration of the mutual covenants expressed herein, it is agreed as follows:

=====

NO. 24202  
Filed with the Secretary of State  
Date Filed: 08/30/00

Kathryn Dwyer  
Secretary of State

By Vicky J. Gruenewald

## II. SCOPE

### 1. The City will:

a. Provide and install the LED equipment at City desired signal locations, all at City expense.

b. Provide the State maintenance personnel equipment manufacturer certified training in all applicable aspects of the installation, operation and maintenance of the LED equipment. Provide the State all required testing equipment, and sufficient bench stock parts, all at no cost to the State.

c. Maintain a reasonable inventory of replacement parts necessary for repair of all of the equipment.

d. Upon completion, approve and accept the equipment installation on behalf of the parties hereto.

### 2. The State will:

a. Inspect and approve the installation of the signal LED equipment.

b. Upon completion and acceptance of the signal LED equipment installations by the City, and upon the satisfactory training of State maintenance personnel, and the State's receipt of bench stock parts, provide maintenance to the LED equipment, all at State expense.

## III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until canceled by either party or other competent authority, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation  
Joint Project Administration  
205 South 17 Avenue, Mail Drop 616E  
Phoenix, AZ 85007

City of Yuma  
Public works Director  
155 W 14<sup>th</sup> Street  
Yuma, AZ 85364

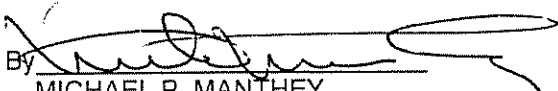
7. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.


**CITY OF YUMA**

**STATE OF ARIZONA**  
Department of Transportation

By   
JOYCE WILSON  
City Administrator

By   
MICHAEL P. MANTHEY  
State Traffic Engineer

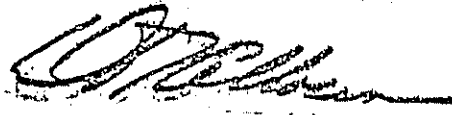
ATTEST

By   
BRIGITTA STANZ  
City Clerk

RESOLUTION

BE IT RESOLVED on this 24th day of April 2000, that I, the undersigned MARY E. PETERS, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Intermodal Transportation Division, to enter into an agreement with the City of Yuma for the purpose of defining responsibilities for the design, construction and maintenance of traffic signal LED improvements on intersections of state routes in the City.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the State Traffic Engineer for approval and execution.

A handwritten signature in black ink, appearing to read 'D. Allocco', written over a horizontal line.

DAVID R. ALLOCCO, P.E.  
Assistant State Engineer  
Engineering Technical Group  
for Mary E. Peters, Director

# DRAFT

Regular Council Meeting  
May 17, 2000

Council, Gatley explained that he sent to a WHM Councilmember a copy of a video interview he had made of Roger Blakeley highlighting his personal tree planning activities and many tree planting programs in the community. The video was played in the White House for the President and Mrs. Clinton. He played the video for Council and attendees. Gatley also read a letter from Jake Kuitwaard, Millennium Green Chairman, thanking Blakeley for his furtherance of the goals of Millennium Green 2000 and the White House Millennium Council. He presented him with a signed certificate of appreciation from the U.S. Secretary of Agriculture, Dan Glickman.

## I. Consent Agenda

**Motion** (Brooks /Hill): To approve the Consent Agenda as presented, without exception. Voice vote: **passed** 5-0.

### A. Minutes of the following Council meetings:

Special Worksession	April 25, 2000
Regular Worksession	May 2, 2000
Regular Meeting	May 3, 2000
Special Worksession/Community Forum	May 4, 2000

### B. Staff Recommendations

1. That Executive Sessions be held at the next regularly scheduled Worksession and Council Meeting for legal, real estate and personnel matters pursuant to A.R.S. §38-431.03 Section A(1), (3), (4) and (7). (Attny)
2. Approve a Special Event Liquor License application from Cristy Lee Webster, agent for Yuma Main Street, Inc., for the Spirit of Yuma Celebration block party to be held on June 30, 2000 in the 200 Block of Main Street, Yuma, AZ. (SP00-10) (CC)
3. Approve an Interim Permit and New #12, Restaurant, Liquor License application from H. J. Lewkowitz, agent for JB's Family Restaurants, Inc., dba JB's Family Restaurant #128, 2198 S. 4<sup>th</sup> Avenue, Yuma, AZ. (LL00-01) (CC)
4. Authorize delivery order contract amendments for Professional Engineering/Architectural Consulting Services (RFP 99003), Design Team Creative Consulting Services (RFP 99023) and Geotechnical and Materials Testing Services (RFP 99117), to increase the single delivery order value to \$50,000 or up to \$75,000 with prior written acknowledgement of that value by the City Engineer. (PubWks/Eng)
5. Ratify an increase of \$44,506.40 to the contract with Don Kelland Materials, Inc., Yuma, AZ, for Bonanza Avenue construction. (Bid 99196; CIP 5.9708, 7.9596) (PubWks/Eng)

# DRAFT

Regular Council Meeting  
May 17, 2000

6. Award to Tanner Companies (Yuma), Inc., Yuma, AZ, for reconstruction of Avenue C from 16<sup>th</sup> Street to 24<sup>th</sup> Street; cost: \$3,152,645. (Bid 2000000111, CIP 5.8507) (PubWks/Eng)
7. Authorize use of State of Arizona cooperative purchasing agreement for the purchase and installation of audio and video equipment for use in connection with the City of Yuma's cable television government channel from Audio Video Resources, Phoenix, AZ; cost: \$34,590. (Admin)
8. Amend the cost recovery fee schedule adopted by Resolution R99-34, to add fees for new American Heart Association (AHA) training classes conducted by the City of Yuma Fire Department's Community Training Center. (Fire/Suppression)
9. Approve the Intergovernmental Agreement with Arizona Department of Transportation (ADOT) for traffic signal lamp retrofit. (AG# KR00-0381TRN) (PubWks/Eng)
10. Approve the final plat of Barkley Ranch Subdivision, Unit 2E, generally located north of 32<sup>nd</sup> Street and east of the proposed Barkley Ranch Avenue (Avenue C  $\frac{3}{4}$  alignment); applicant: Edais Engineering, on behalf of Barkley Ranch, L.L.C. (S96-021) (CD/PDD)

## II. Resolution Consent Agenda

Stanz announced that no one has submitted a Speaker Request Form to speak to any of the resolutions scheduled for adoption.

Stanz read the following titles:

### Resolution R2000-24

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving the execution of a Preannexation Development Agreement with the owner of real property located at 3634 West Cooke Street

(for water service to property owned by Raymond and Beverly Downey) (CDAdmin)

### Resolution R2000-25

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving the execution of a Development Agreement with the owner of real property located at 1850 S. Avenue B

(property owner: Terracina Housing Partners, Limited Partnership)

**Motion** (Shoop /Hansberger): To adopt the Resolution Consent Agenda as presented. Roll call vote: passed 5-0.

## III. Adoption of Ordinances

Stanz read the following title, noting that no one has submitted a Speaker Request Form to speak to any of the ordinances scheduled for adoption:

# DRAFT

Regular Council Meeting  
May 17, 2000

**Stanz** announced that no Speaker Request Forms were submitted to speak at this Public Hearing.

**Motion** (Shoop /Hansberger): To close the Public Hearing on the 5-Year CIP Budget. Voice vote: **passed 5-0**; the Public Hearing closed at 6:16 p.m.

## VI. Oral and Written Communications

### Council

**Motion** (Brooks /Hill): To acknowledge and accept the resignations of Councilwoman Shoop and Councilman Hieb from the Municipal Property Corporation; and appoint Bill Phillips to fill the unexpired term of Councilwoman Shoop, due to expire 12/31/2000 and Ray Face to fill the unexpired term of Councilman Hieb, due to expire 12/31/2002. Voice vote: **passed 5-0**.

**Motion** (Shoop /Hill): To change the Special Worksession scheduled for 4:30 p.m. on May 23, 2000 in the City Hall Council Chambers, 180 West First Street, Yuma, Arizona, to a Special Council Meeting for the purpose of canvassing the Special Election of May 16, 2000. Voice vote: **passed 5-0**.

**Staff** - none

### Call to the Public

**Stanz** announced that there have been no Speaker Request Forms submitted to speak at the Call to the Public.

## VII. Informational Items – none

## VIII. Adjournment/Executive Session

Without objection, **Irr** adjourned the meeting, without an Executive Session, at 6:17 p.m.

Respectfully submitted,

  
Briggita K. Stanz, City Clerk

APPROVED:

\_\_\_\_\_  
Marilyn R. Young, Mayor

APPROVAL OF THE YUMA CITY ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, and the CITY OF YUMA and declare this agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona.

DATED this 31<sup>st</sup> day of May, 2000.

Steven W Moore  
City Attorney



Exhibit A

>B8

>1ST STREET  
>3RD STREET  
>8TH STREET  
>10TH STREET  
>12TH STREET  
>14TH STREET  
>22ND STREET  
>24TH STREET  
>28TH STREET  
AVENUE 3E  
ARIZONA AVENUE  
BIG CURVE  
CATALINA DRIVE (West)  
PACIFIC AVENUE  
4TH AVENUE  
>CATALINA DRIVE (East)  
ORANGE AVENUE  
ARABY ROAD  
AVENUE 5E

US95

1ST AVENUE  
4TH AVENUE  
14TH AVENUE  
AVENUE A  
ARIZONA AVENUE  
AVENUE B  
I-8 Ramps  
PACIFIC AVENUE  
>20TH STREET  
>24TH STREET  
>32ND STREET  
REDONDO DRIVE

SR 280

24th St  
GILA RIDGE ROAD

>GILA RIDGE ROAD & PACIFIC AVENUE  
>

>



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX, AZ 85007-2926

JANET NAPOLITANO  
ATTORNEY GENERAL

TRN Main: (602) 542-1680

Direct: (602) 542-8855

Fax: (602) 542-3646

MAIN PHONE: (602) 542-5025

FACSIMILE: (602) 542-4085

**INTERGOVERNMENTAL AGREEMENT**  
**DETERMINATION**

A.G. Contract No. KR00-0381TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED: August 23, 2000

JANET NAPOLITANO  
Attorney General

SUSAN E. DAVIS  
Assistant Attorney General  
Transportation Section

SED:ggt

Enc.

643139